

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
Paul N. Mirabelli, Esq. 3400 Highway 35, Ste. 4 Hazlet, New Jersey 07730 732-264-3880 Attorney ID No.: 029371985	
Case No.:	22-13953
Chapter:	13
Adv. No.:	Click or tap here to enter text.
Hearing Date:	01/23/2023 10:00 a.m.
Judge:	MBK
In Re:	
Brian J. Ashmore and Theresa M. Ashmore	

### CERTIFICATION OF SERVICE

1. I, Paul N. Mirabelli, Esq. :

☒ represent Brian J. Ashmore and Theresa M. Ashmore in this matter.

☐ am the secretary/paralegal for Click or tap here to enter text., who represents Click or tap here to enter text. in this matter.

☐ am the Click or tap here to enter text.in this case and am representing myself.

2. On 12/16/22, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

Notice of Motion Objecting to Proof of Claim, Debtors Certificaiton and Proposed Order

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 12/16/22

/s/Paul N. Mirabelli, Esq.  
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Albert Russo Chapter 13 Standing Trustee 3 AAA Drive Suite 203 Robbinsville, NJ 08691	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
Wells Fargo, NA c/o Matthew Fissel Esq Brock and Scott PLLC 302 Fellowship Road Suite 130 Mount Laurel, NJ 08054	Attorney for Wells Fargo NA (creditor)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
PNC Bank, NA c/o Dennis Uhlman Esq. Martone and Uhlman PC 777 Passaic Ave #535 Clifton, NJ 07012	Attorney for PNC Bank NA (creditor)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Overnight Mail (As authorized by the Court or by rule. Cite the rule if applicable.)
	Click or tap here to enter text.	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
	Click or tap here to enter text.	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Overnight Mail (As authorized by the Court or by rule. Cite the rule if applicable.)

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Adam Greenberg Honig & Greenberg, LLC 1949 Berlin Road, Ste. 200 Cherry Hill, NJ 08803	Creditor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
Propel Financial 1, LLC C/O Propel Financial Services, LLC P.O. Box 100350 San Antonio, TX 78201	Creditor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other Overnight Mail (As authorized by the Court or by rule. Cite the rule if applicable.)
Elizabethtown Gas 544 S. Independence Blvd. Virginia Beach, VA 23452	Creditor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other Overnight Mail (As authorized by the Court or by rule. Cite the rule if applicable.)
Azalea Springs C/O Fair Collections & Outsourcing 12304 Baltimore Ave., Unit E Beltsville, MD 20705	Creditor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)
Elizabeth Tax Collector/Water/Sewer Dept. 50 Winfield Scott Plaza Elizabeth, NJ 07201	Creditor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other Click or tap here to enter text. (As authorized by the Court or by rule. Cite the rule if applicable.)

New Jersey Attorney ID#: 029371985  
Paul N. Mirabelli, Esq.  
3400 Hwy 35, Suite 4  
Hazlet, New Jersey 07730  
(732)264-3880  
Attorney for Debtor

In re: Brian J. Ashmore  
and Theresa M. Ashmore

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Chapter 13

Bankruptcy No: 22-13953-MBK

**Judge: Michael B. Kaplan**

**Notice of Motion Objecting to Proof of  
Claim**

To: Wells Fargo, NA  
c/o Matthew Fissel Esq  
Brock and Scott PLLC  
302 Fellowship Road Suite 130  
Mount Laurel, NJ 08054

To: PNC Bank, NA  
c/o Dennis Uhlman Esq.  
Martone and Uhlman P.C.  
777 Passaic Ave #535  
Clifton, NJ 07012

PLEASE TAKE NOTICE that on 23<sup>rd</sup> day of January 2023 at 10 AM in the forenoon, or as soon thereafter as counsel may be heard, the undersigned, Paul N. Mirabelli, attorney for the Debtors, shall make application before the United States Bankruptcy Court District of New Jersey, for and Order as follows:

1. Modifying Proof of Claim #7 filed by PNC Bank NA
2. Modifying Proof of Claim #5 filed by Wells Fargo Bank NA



If you disagree with the objection you must file a response to the Objection with the Clerk of the Bankruptcy Court at the address below on or before 1/9/22.

At the same time you must also serve a copy of the response upon the Debtor's Attorney Paul N. Mirabelli Esq. 3400 Highway 35 Suite 4, Hazlet, NJ 07730

PLEASE TAKE FURTHER NOTICE that in support of the within application, the undersigned shall rely on the annexed Certification of Debtor in Support of Motion.

Pursuant to Rule 1:6-2, oral argument is requested.

Dated: 12/16/22

A handwritten signature in black ink, appearing to read 'Paul N. Mirabelli', is written over a horizontal line.

Paul N. Mirabelli Esq. attorney  
for the Debtors



New Jersey Attorney ID#: 029371985  
Paul N. Mirabelli, Esq.  
3400 Hwy 35, Suite 4  
Hazlet, New Jersey 07730  
(732)264-3880  
Attorney for Debtor

In re: Brian J. Ashmore  
and Theresa M. Ashmore

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Chapter 13

Bankruptcy No: 22-13953-MBK

Judge: Michael B. Kaplan

Order

This matter having come before the Court on the application of Paul N. Mirabelli, Attorney for the Debtor, and the Court having considered the papers filed and the argument of council if any and for other good cause shown;

It is on this                      day of January 2023 Ordered that:

1. The Proof of Claim #5 from Wells Fargo N.A. should be amended to show \$0 needed to cure arrears at the time of the filing of the petition.
2. The Proof of Claim #7 from PNC Bank N.A. should be amended to show 0\$ is the necessary amount to cure any default.

Honorable Judge Michael B. Kaplan





New Jersey Attorney ID#: 029371985  
Paul N. Mirabelli, Esq.  
3400 Hwy 35, Suite 4  
Hazlet, New Jersey 07730  
(732)264-3880  
Attorney for Defendant

In re: Brian J. Ashmore  
and Theresa M. Ashmore

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Chapter 13

Bankruptcy No: 2-13953-MBK

Judge: Michael B. Kaplan

**Certification in Support of Motion  
Objecting to Proof of Claim**

I, Brian J. Ashmore, do hereby Certify as follows:

1. I, am the debtor in the above captioned Bankruptcy and I make this Certification in Support of my Notice of Motion to modify the Proof of Claims of PNC Bank NA and Wells Fargo NA.
2. I am seeking to modify the Proof of Claim #7 from PNC Bank, NA. The claim is a secured claim based on a recorded Mortgage which is a Home Equity Line.
3. The principal balance of the Home Equity loan is \$26,810.17
4. The claim states that the amount necessary to cure the default as of the filing of the petition is \$26,810.17; the principal balance.
5. There is no default. The Debtor is current with this Mortgage (see attached Home Equity Statement dated 11/1/22 which shows the Debtor is current as Exhibit A).

6. Based on the foregoing, the Proof of Claim should be amended to show \$0 is the amount necessary to cure any default.

7. I am seeking to modify the Proof of claim #5 from Wells Fargo NA.


8. The claim is a secured claim based upon a recorded mortgage

9. The proof of claim states that the amount necessary to cure any default as of the date of the filing was \$3054.39 which represents an Escrow shortage. The escrow shortage was resolved on July 25, 2022 by adjusting the payment so that there was no escrow showing (see attached marked Exhibit B).

10. Based upon the foregoing the proof of claim should be modified to show \$0 needed to cure arrears at the time of the filing of the petition.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

By:   
Brian J. Ashmore